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10/648,103

08/26/2003

Mark D. Schoenhals

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06/24/2009

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EXAMINER

MORAN, RANDAL D

ART UNIT

PAPER NUMBER

2435

MAIL DATE

DELIVERY MODE

06/24/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|--|--|
| Office Action Summary | Application No. 10/648,103 | Applicant(s) SCHOENHALS, MARK D. | |
| | Examiner RANDAL D. MORAN | Art Unit 2435 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 March 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7, 14, 15, 17, 19-27, 31 and 33-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 14, 15, 17, 19-27, 31 and 33-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claims 1-7, 14-27, 31 and 33-36 are pending.

This Office Action is in response to arguments filed 3/18/2009.

Below, Examiner has pointed out particular references contained in the prior art(s) of record in the body of this action for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claims, other passages and figures may apply as well. Applicant should consider the entire prior art as applicable as to the limitations of the claims. It is respectfully requested from the applicant, in preparing the response, to consider fully each reference in its entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior arts or disclosed by the examiner.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-7, 14-27, 31 and 33-36, are rejected under 35 U.S.C. 102(b) as being anticipated by **Greenberg et al. (US 2001/0038624)**, hereafter “Greenberg”.

Considering **Claims 1, 19, and 23**, Greenberg discloses a method for correlating a user's use of a website with a user's phone call to a customer service agent for a

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business (abstract), where the phone call to the customer service agent is made independent of the website ([0062]), the method comprising: for each user that accesses the website, transmitting a webpage to the user that visibly displays a unique ID ([0060]), where the unique ID is unique to the user's web browser ([0060]), and the where the unique ID is generated without obtaining information that identifies the user personally ([0060]); storing a record of the unique IDs that have been displayed to users in a webpage ([0061]); in response to a user telephoning a customer service agent for the business, obtaining the user's unique ID from the user([0060],[0062]); and correlating the user's call to the customer service agent with the users' use of the website using the user's unique ID ([0060]).

As per **claim 2**, Greenberg discloses storing information related to a user's use of the website in association with the unique ID displayed to the user ([0060]).

As per **claim 3**, Greenberg discloses storing, in association with the user's unique ID, information related to the customer service agent's interaction with the user ([0060]-[0062]).

As per **claim 4**, Greenberg discloses determining, using the unique IDs, the number of users that called a customer service agent that also accessed the website ([0047]).

As per **claim 5, 20, 24 and 27**, Greenberg discloses using the user's unique ID to correlate any product sale purchases made by the user through the customer service agent with information about the user's use of the website ([0047]).

As per **claim 6, 21 and 25**, Greenberg discloses in response to the user clicking on an online advertisement to reach the website, storing information about the advertisement in association with the unique ID displayed to the user ([0060]-[0062]).

As per **claim 7, 22 and 26**, Greenberg discloses using the unique ID displayed to the user and the stored information about the advertisement to correlate the advertisement with any product sales to the user through the customer service agent ([0125]).

As per **claim 14 and 31**, Greenberg discloses the webpage supports an internet chat service ([0081]-[0083]).

As per **claims 15 and 17**, Greenberg discloses for each user that access the website, determining whether the user's web browser has a cookie from the website with a unique ID ([0128]); if the web browser has a cookie from the website with a unique ID, retrieving the unique ID from the cookie and transmitting a webpage with the retrieved unique ID to the user ([0083]); and if the web browser does not have a cookie from the website with a unique ID, generating a unique ID ([0060]), adding the generated unique ID to the record of unique IDs ([0061]), and transmitting the unique ID to the user in a webpage ([0060]-[0062]).

As per **claims 33 and 35**, Greenberg discloses wherein the customer service agent is a live person ([0118]).

As per **claims 34 and 36**, Greenberg discloses that service agent is an automated agent ([0045]).

Response to Arguments

Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RANDAL D. MORAN whose telephone number is (571)270-1255. The examiner can normally be reached on M-F: 7:00 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on 571-272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/R. D. M./
Examiner, Art Unit 2435
6/21/2009

/Kimyen Vu/
Supervisory Patent Examiner, Art Unit 2435